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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/826,532  | 04/16/2004  | Jesse R. Chattin     | 2057.017            | 2159             |
| 30448   | 7590        | 12/01/2006           | EXAMINER            |                  |
| AKERMAN SENTERFITT<br>P.O. BOX 3188<br>WEST PALM BEACH, FL 33402-3188 |             |                      | JOHNSON, VICKY A    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3682                |                  |

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/826,532             | CHATTIN, JESSE R.   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Vicky A. Johnson       | 3682                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 7 recite the limitation "and optionally at least two raised surfaces". The claims are indefinite because it is not known if the raised surfaces are being claimed.

3. The terms "high" and "low" in claims 2 and 3 are a relative terms which renders the claim indefinite. The term "high" and "low" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The use of the terms high and low make the sides of the sprocket indefinite because it can not be determined how high or low the sides should be.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt et al (US 5,738,603).

Schmidt et al disclose a sprocket, said sprocket comprising: a body (A) having a center, a perimeter, an inner side, an outer side, and a plurality of circumferentially spaced teeth extending radially and outwardly from an outer periphery of the sprocket body (see Fig 3), wherein each tooth includes a tip and a base (see Fig 3); wherein the center includes at least three engaging recessions (see Fig 3); wherein the outer side of the body includes a recessed surface (space between teeth) and optionally at least two raised surfaces (the teeth) and; wherein each raised surface extends from the tip of each tooth to below the base of the tooth and projects from at least a first perimeter segment of said outer side (see Fig 3) and wherein at least a second perimeter segment of said outer side is free of raised surface (the space between the teeth); and wherein the inner side of the body is free of raised surfaces (see Fig 3).

Re claim 4, the sprocket has a circular shape (see Fig 1).

Re claim 5, the raised surfaces are distributed evenly throughout the perimeter of the body (see Fig 1).

6. Claims 6-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Schlanger (US 6,428,437).

Schlanger discloses a one piece spacer comprising: a boss part (unnumbered, see Fig 2); a ring part (unnumbered, see Fig 2); wherein the ring part is placed on a circle concentric with, but larger in circumference than the boss part (see Fig 2); wherein the boss part includes an outer perimeter, an inner perimeter, a front face, and

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a back face; wherein the inner perimeter includes engaging channels and engaging protrusions (42) which extend in the axial direction (see Fig 2); and wherein the outer perimeter includes at least three projections (see Fig 2).

Re claim 7, a sprocket assembly comprising: A) at least two sprockets (see Figs 8a and 8b) axially and concentrically positioned relative to one another (see Fig 8b); wherein each sprocket comprises: a body having a center, a perimeter, an inner side, an outer side, and a plurality of circumferentially spaced teeth extending radially and outwardly from an outer periphery of the sprocket body (see Fig 8a), wherein each tooth includes a tip and a base (see Fig 8a); wherein the center includes at least three engaging recessions (94); wherein the outer side of the body includes a recessed surface (space between teeth) and at least two raised surfaces (teeth) and; wherein each raised surface extends from the tip of each tooth to below the base of the tooth and projects from at least a first perimeter segment of said outer side (see Fig 8a) and wherein at least a second perimeter segment of said outer side is free of raised surface (see Fig 8a); wherein the inner side of the body is free of raised surfaces (see Fig 8a); and B) at least one spacer (91) located between two sprockets, the spacer comprising: a boss part; a ring part; wherein the ring part is placed on a circle concentric with, but larger in circumference than the boss part; wherein the boss part includes an outer perimeter, an inner perimeter, a front face, and a back face (see Fig 8b); wherein the inner perimeter includes engaging channels and engaging protrusions which extend in the axial direction (see Fig 8a); and wherein the outer perimeter includes at least three projections (see Fig 8a).

Re claim 8, wherein only the boss part of the spacer enters the center of the sprocket, and wherein the projections slidably engage with the recessions of the sprocket (see Fig 8a).

Re claim 9, wherein the projections move freely laterally inside the recessions of the sprocket (see Figs 8a and 8b).

Re claim 10, wherein each sprocket independently moves inside the assembly (see Fig 8b).

Re claim 11, wherein each sprocket moves laterally to meet with a chain link during the passing of a chain from one sprocket to the next sprocket (see Fig 8b).

Re claim 12, wherein the inner side of the body of the sprocket faces the next smaller sprocket, and the outer side of the body faces the next larger sprocket (see Fig 2).

Re claim 13, wherein during the transfer of a chain from sprocket to sprocket, only the raised surfaces of the sprocket engages link plates of the chain (see Fig 3B)).

Re claim 14, the assembly includes an even size sprocket adjacent to an odd size sprocket (inherent).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Vicky A. Johnson 10/29/04  
Primary Examiner  
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